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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,660	11/06/2000	Akihiko Mizutani	JP919990207-US1	8588

7590 06/03/2004

Anne Vachon Dougherty Esq  
On behalf of IBM Corporation  
3173 Cedar Road  
Yorktown Heights, NY 10598

EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2684

12

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,660

Applicant(s)

MIZUTANI ET AL

Examiner

Edan Orgad

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bark et al. (U.S. Patent 6,445,917) in view of Stillman et al (U.S. Patent 5,551,066).

Regarding claims 1-4, 13 and 17, Bark teaches a wireless apparatus, method, and program storage device containing a program allowing the apparatus, in at least one node participating in a communication system, to initiate a search for a radio station during a multihop, ad-hoc communication session (see Bark, abstract, and col. 3, lines 29-44, and Fig. 2), comprising: signal monitoring component for detecting the strength of the communication signal (see Bark, col. 7, line 31-col. 8, line 55); comparator component for comparing the detected strength of the signal to a predetermined reference and for generating a initiation signal to initiate said search when deterioration of the strength of the communication signal indicates the appearance of a new radio station (see Bark, col. 8, lines 28-55). However, Bark fails to specifically disclose all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself. However, in the same field of endeavor, Stillman teaches a link controller for use a in a node, where all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself (col. 2, lines 19-44). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to modify Bark to include Stillman's teachings of having all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself in order reduce configurations when a node is added, removed or simply moved. Thereby, by reducing configurations of the nodes, reducing the cost.

Regarding claims 5-8, 14 and 18, Bark teaches a wireless apparatus, method, and program storage device containing a program allowing the apparatus, in at least one node participating in a communication system, to initiate a search for a radio station during a multihop, ad-hoc communication session comprising (see Bark, abstract, and col. 3, lines 29-44, and Fig. 2): interference detection component for detecting the intensity of interference in the session (see Bark, col. 7, line 31-col. 8, line 55); comparator component for comparing the detected strength of the signal to a predetermined reference and for generating a initiation signal to initiate said search when increased intensity of interference indicates the appearance of a new radio station (see Bark, col. 8, lines 28-55). However, Bark fails to specifically disclose all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself. However, in the same field of endeavor, Stillman teaches a link controller for use a in a node, where all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself (col. 2, lines 19-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bark to include Stillman's teachings of having all of the components are located at the communicating node and all of the functions are performed at and

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by the communicating node itself in order reduce configurations when a node is added, removed or simply moved. Thereby, by reducing configurations of the nodes, reducing the cost.

Regarding claims 9-12, 15 and 19, Bark teaches a wireless apparatus, method, and program storage device containing a program allowing the apparatus, in at least one node participating in a communication system, to initiate a search for a radio station during a multihop, ad-hoc communication session comprising (see Bark, abstract, and col. 3, lines 29-44, and Fig. 2): signal monitoring component for detecting the strength of the communication signal (see Bark, col. 7, line 31-col. 8, line 55); and comparator component for comparing the detected strength of the signal to a predetermined reference and for generating a signal to alter the frequency of said monitoring when deterioration of the strength of the communication signal indicates the appearance of a new radio station (see Bark, col. 8, lines 28-55). However, Bark fails to specifically disclose all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself. However, in the same field of endeavor, Stillman teaches a link controller for use in a node, where all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself (col. 2, lines 19-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bark to include Stillman's teachings of having all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself in order reduce configurations when a node is added, removed or simply moved. Thereby, by reducing configurations of the nodes, reducing the cost.

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Regarding claim 16, Bark teaches that said altering comprises increasing frequency of monitoring to search for radio stations when the signal strength is less than a predetermined reference and decreasing the frequency when the signal strength exceeds the predetermined reference (see Bark, col. 7, line 31-col. 8, line 55, clearly when more changes in parameters will trigger more frequent searches by the communications node).

### *Response to Arguments*

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

However, examiner would like to point out, that applicant's arguments appear to concentrate on that fact that Bark's system requires both at least one remote mobile station for measuring radio parameters and a controller location for orchestrating the actions and responses to the measurements. Therefore, applicant's concluded that Bark does not disclose an apparatus in a communicating node for performing all of the tasks of monitoring, evaluating the results of the monitoring, generating a signal based on the evaluating of the results, and responding to the generated signal. In other words, all of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself. However, as shown above, examiner's combination of Bark in view of Stillman remedy Bark's deficiencies.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 703-305-4223. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad

  
May 27, 2004

  
**NICK CORSARO**  
**PATENT EXAMINER**